

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania
U.S. Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106-1797

CR 10-5139 BHS

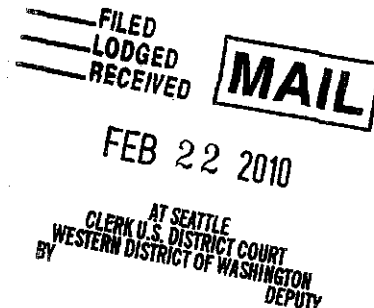
267-299-7023

February 18, 2010

U.S. District Court
Western District WASHINGTON
700 Stewart Street, Lobby Level
Seattle, WA 98101-1271
Att: Clerks Office

MS09-5281

RE: USA v. James Robert Black Jr.
E.D.PA. CR # 09-737-2



Dear Sirs:

Pursuant to Rule 20 Transfer, we herewith enclose a certified copy of the following:

Original Rule 20 Form
Certified copy Indictment
docket sheet

Kindly acknowledge receipt on the copy of the letter provided.

Very truly yours,

MICHAEL E. KUNZ
Clerk of Court

By: 
Carlos M. Cardona, Deputy Clerk

c:

Received above material or record file this day of , 2010 .

Signature: _____

Date: _____

crf7

RK

FILED

FEB 18 2010

MICHAEL E. KUNZ, Clerk
By MC Dep. Clerk

USDC
MAGISTRATE JUDGE J. RICHARD CREATURA

FEB 17 A 9:22

13
COPY RECEIVED

FEB -4 2010

UNITED STATES DISTRICT COURT
WESTER DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES ATTORNEY
SEATTLE, WASHINGTON

CR 09-737-2

UNITED STATES OF AMERICA,

) Case No.: MJ09-5281

Plaintiff,

vs.

) CONSENT TO TRANSFER OF CASE
) FOR PLEA AND SENTENCE (*Under*
) *Rule 20)*

JAMES ROBERT BLACK, JR.,

Defendants.

I, James R. Black, Jr., defendant, have been informed that an Indictment is pending in the above-designated cause. I wish to plead guilty to the offense charged, to consent to the disposition of the case in the Western District of Washington in which I reside, and to waive trial in the above-captioned District.

DATED this 3rd day of February, 2010.

JAD sen
Jenny A. Durkan
United States Attorney
Western District of Washington

[Signature]
James R. Black, Jr.
(Defendant)

[Signature]
Zenon P. Olbertz, WSB #6080
(Counsel for Defendant)

Approved:

[Signature]
Kathryn A. Warma
Assistant U.S. Attorney
Western District of Washington

[Signature]
Michael L. Levy
United States Attorney
Eastern District of Pennsylvania

CONSENT TO TRANSFER OF CASE FOR PLEA AND
SENTENCE - 1

Law Office of Zenon Peter Olbertz
1008 So. Yakima Ave., Suite 302
Tacoma, WA 98405
(253) 272-9967/Fax: (253) 572-1441

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

a/k/a "Slacker,"

conspired and agreed to commit an offense against the United States, that is, to knowingly cause the transmission of a program, information, code, and command, and as a result of such conduct, intentionally cause damage without authorization to a protected computer, and thereby disrupt the availability of the computer network operating the website www.comcast.net, causing more than \$5,000 in loss within a one-year period, in violation of Title 18, United States Code, Section 1030(a)(5)(A)(i).

MANNER AND MEANS

It was part of the conspiracy that:

3. Defendants CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL, who were associated with the hacker group Kryogeniks, planned and executed an attack on www.comcast.net to disable subscriber access to this Comcast website by redirecting Comcast customers trying to connect to www.comcast.net to other websites of the defendants' choosing and creation, and thereby prevented Comcast customers from accessing e-mail, digital voicemail, and other services at www.comcast.net.

4. Defendants CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL redirected Comcast customers away from www.comcast.net by gaining unauthorized access to, and then altering, Comcast's Domain Name System ("DNS") records which were maintained by a domain registrar company.

5. Defendants CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL continued to alter Comcast's DNS records after Comcast employees in Philadelphia, Pennsylvania, made efforts to correct the altered DNS

records for www.comcast.net.

6. Defendants CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL posted a message on the webpage to which the Comcast subscribers were directed after the defendants had altered DNS records for www.comcast.net, and the message on that webpage attributed the attack to their group.

7. Defendants CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL changed the listed contact information available to the public for the www.comcast.net account to a false mailing address and a false e-mail address.

8. These actions caused a loss to Comcast in Philadelphia, Pennsylvania, of approximately \$128,578.

OVERT ACTS

In furtherance of the conspiracy, defendants committed the following overt acts in the Eastern District of Pennsylvania, and elsewhere:

1. On or about May 26, 2008, defendants CHRISTOPHER ALLEN LEWIS, in the state of Delaware, and JAMES ROBERT BLACK, in the state of Tennessee, and another person known to the grand jury, participated in a telephone conference call in which the defendants discussed a website called fearnet.com, owned by Comcast, and discussed taking control of the comcast.net domain.

2. On or about May 27, 2008, defendant CHRISTOPHER ALLEN LEWIS, in the state of Delaware, anonymously called Comcast employee No. 1, an employee listed as being associated with the www.comcast.net website, at his home telephone in the Eastern District of Pennsylvania, and asked the employee if he would answer questions concerning Comcast's fearnet.com domain.

3. On or about May 27, 2008, defendant CHRISTOPHER ALLEN LEWIS, in the state of Delaware, twice made telephone calls through which he obtained information which he and his coconspirators later used in gaining unauthorized access to Comcast's DNS server information.

4. On or about May 28, 2008, defendants CHRISTOPHER ALLEN LEWIS, in the state of Delaware, JAMES ROBERT BLACK, JR., in the state of Tennessee, and MICHAEL PAUL NEBEL, in the state of Michigan, created substitute websites to which Comcast subscribers would be directed when they tried to reach www.comcast.net. These substitute websites showed the message "KRYOGENIKS Defiant and EBK RoXed COMCAST sHouTz to VIRUS Warlock elul21 coll1er seven," on their opening webpage, a message created by these defendants.

5. On or about May 28, 2008, defendant CHRISTOPHER ALLEN LEWIS, in the state of Delaware, directed defendant MICHAEL PAUL NEBEL, in the state of Michigan, to log onto a specific Comcast e-mail account.

6. On or about May 28, 2008, defendant MICHAEL PAUL NEBEL, in the state of Michigan, while on a telephone conference call with defendants CHRISTOPHER ALLEN LEWIS, in the state of Delaware, and JAMES ROBERT BLACK, JR., in the state of Tennessee, and in collaboration with those defendants, logged onto a specific Comcast e-mail account and used that account to communicate with the entity which maintained Comcast's DNS server information.

7. On or about May 28, 2008, CHRISTOPHER ALLEN LEWIS, in the state of Delaware, JAMES ROBERT BLACK, JR., in the state of Tennessee, and MICHAEL PAUL NEBEL, in the state of Michigan, signed onto Comcast's account at the entity which maintained

Comcast's DNS records and changed the DNS record for www.comcast.net to point to one of the substitute websites which they had created. As a result of this change, the content, data, programs, and information on www.comcast.net was no longer available to Comcast customers trying to connect to their Comcast e-mail, voicemail, and other services through www.comcast.net.

8. On or about May 28, 2008, CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL changed the publicly-available contact information for www.comcast.net, to "69 dick tard lane, dildo room, Philadelphia, PA 19103" and an e-mail address of kryogeniksdefiant@gmail.com.

9. On or about May 28, 2008, defendants CHRISTOPHER ALLEN LEWIS, JAMES ROBERT BLACK, JR., and MICHAEL PAUL NEBEL retained access to this specific e-mail account and continued their attack after Comcast employees, some of whom were based in Philadelphia, Pennsylvania, attempted to regain control of this specific e-mail account.

10. On or about May 28, 2008, defendant CHRISTOPHER ALLEN LEWIS anonymously called Comcast employee No. 1, an employee listed as being associated with the Comcast.net website, at his home telephone number in the Eastern District of Pennsylvania, and asked the employee if Comcast's domains were working properly.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL:

GRAND JURY FOREPERSON

MICHAEL L. LEVY
UNITED STATES ATTORNEY

United States District Court
Eastern District of Pennsylvania (Philadelphia)
CRIMINAL DOCKET FOR CASE #: 2:09-cr-00737-RK-2
Internal Use Only

FILED
LODGED
RECEIVED
MAIL
FEB 22 2010
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

Case title: USA v. LEWIS et al

Date Filed: 11/19/2009

Date Terminated: 02/18/2010

Assigned to: HONORABLE ROBERT F.
KELLY

Defendant (2)

JAMES ROBERT BLACK, JR.

TERMINATED: 02/18/2010

also known as

DEFIANT

TERMINATED: 02/18/2010

Pending Counts

18:371 CONSPIRACY TO INTENTIONALLY
DAMAGE PROTECTED COMPUTER
SYSTEM
(1)

Disposition

RULE 20 TRANSFER TO WESTERN DISTRICT WASHINGTON

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **ALBERT S. GLENN**
U.S. DEPARTMENT OF JUSTICE
615 CHESTNUT STREET
SUITE 1250
PHILADELPHIA, PA 19106-4476
TEL 215-861-8900
Fax: FAX 215-861-8618
Email: albert.glenn@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A TRUE COPY OF THIS DOCKET ENTRY IS BEING PLACED ON THE RECORD
DATED: 2-18-10
ATTEST: *[Signature]*
DEPUTY CLERK OF DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ALEXANDER NGUYEN
 U.S. ATTORNEY'S OFFICE
 615 CHESTNUT STREET
 PHILADELPHIA , PA 19106
 215/861-8637
 Email: alexander.nguyen@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/19/2009	<u>1</u>	INDICTMENT as to CHRISTOPHER ALLEN LEWIS (1) count(s) 1, JAMES ROBERT BLACK, JR (2) count(s) 1, MICHAEL PAUL NEBEL (3) count(s) 1. (tj,) (Entered: 11/19/2009)
01/22/2010	<u>6</u>	NOTICE OF ATTORNEY APPEARANCE ALEXANDER NGUYEN appearing for USA. (NGUYEN, ALEXANDER) (Entered: 01/22/2010)
02/18/2010	<u>13</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to WESTERN DISTRICT WASHINGTON (Tacoma) For Plea/Sentence. Counts closed as to JAMES ROBERT BLACK JR. (2) Count 1. (cmc) (Entered: 02/18/2010)